The Daily Gazetteer.

Numb. 16

THURSDAY, JULY 17. 1735.

An Enquiry into the Danger of multiplying Incapacities on the Gentlemen of England to sit in Parliament.

OCCASIONED

by the late *Bill* to limit the Number of Officers in the House of Commons.

THERE cannot be any thing of greater national Importance, than to examine every Attempt of *changing the Conſtitution*, without the leaſt Regard to Names or Sounds, or the Pretences of thoſe who uſher it in. We ought to inform ourſelves from the Nature of Things, and from the Experience of paſt Times, what Effects are moſt likely to flow from ſuch Innovations; nor ſhould we abandon our Reaſon to popular Opinions, nor implicitely believe the confident Aſſertions of partial intereſted Men.

THE Bill *for limiting the Number of Officers in the Houſe of Commons*, muſt have wrought the greateſt Change in our Conſtitution, which hath been known for ſome Ages; and, inſtead of *leſſening the Power of the Crown*, which was the Pretence that introduced it, the Conſequence of it would have *leſſened the Power of the People*. It was moved for with a pompous Title, but the Tendency of it was moſt alarming. A Bill *to ſecure the Freedom of Parliament*, by multiplying *Incapacities on the Gentlemen of* England *to ſit in Parliament*, is of the ſame Nature with *a Bill to ſecure the Church*, by taking away *the Liberty of Conſcience*; and I cannot but be of Opinion, that the one muſt be as dangerous *to the Civil*, as the other always hath been to the *Religious Rights of Mankind*.

I take it to be a Queſtion of the greateſt Importance that ever came before the Publick, and to affect, in the higheſt Degree, the Rights of every Subject of this Kingdom. It is undoubtedly true, that every Man's Right muſt be governed by the Conſideration of all Men's Security; but then the Right which is to be retained, ought to have the utmoſt Weight, and the Benefit which is to accrue by leſſening or taking it away, ſhould appear in the cleareſt Light; the People ſhould know that they ſuffer no Damage in the Diminution of their Privileges, and the whole Kingdom be ſatisfied, that it is not only ſafe or convenient, but abſolutely neceſſary to introduce a *Change of Conſtitution*.

IT is therefore worthy of every Man's Care to examine a Subject in this Interval of Parliament, which hath been attended with great Variety of Opinions in former Seſſions, and may be revived in the future Proceedings of that great Aſſembly.

IT will be allowed me to ſpeak in the Language of our Laws, and to aſſert, that, of all the *Privileges of Engliſhmen*, the great Privilege of electing, or being elected Repreſentatives of the People, is the moſt tranſcendent. Even the high Prerogative of the Houſe of Commons in giving Money, is but the Effect of it; a Power, the Exerciſe of which is confined within the Number of *Five hundred fifty-eight Members*; but to be capable of being a Member is the Right of every Man who is born within the Dominions of *Britain*; a Right, which the People at large enjoyed five hundred Years in Succeſſion, from the firſt Ages of Parliaments, and which was never abridged but once, in Times of raging Violence, nor ever bounded, or even qualified by Act of Parliament, from the Reign of *Henry the Third*, till ſince the *Revolution*.

'TIS manifeſt from all the Hiſtories of *England*, that the People were unreſtrained in the Choice of their Repreſentatives; and no Man wanted any other Qualification to take the Benefit of their Choice, than the Birthright of an *Engliſhman*. By the ancient Laws of *England*, no Man was to find himſelf in a worſe Condition from being a Repreſentative of the People, than would have been his Caſe, had they never conferred that Honour upon him. There was but one Order of Men in *England* that could not ſit in the Houſe of Commons, which was the Clergy; and the Reaſon of it was, becauſe they had an Houſe of Repreſentatives choſen by themſelves, to ſit in Convocation, where the Aids of the Clergy were granted to the Crown; nor could Subſidies be levied upon them by any other Conſent. There was but one *Civil Officer* who could not be returned to ſit in Parliament, which was the *Returning Officer* of the Writ of Election; and even this was a Grievance loudly complained of, when any Man was appointed *Sheriff* with a Deſign to prevent his Election.

IF we ſearch the Statutes of this Kingdom we ſhall find no Laws in former Ages to diſqualify Gentlemen from being Members by reaſon of any Employment: If we ſearch the Journals of the *Houſe of Commons*, we may ſee the Senſe of our Anceſtors ſtrongly declared againſt every Thing of this Nature; they maintained *the Choice of the People* againſt all Pretences of Diſqualification; and when any one was choſen to ſit in Parliament, they aſſerted it to be both his Right and his Duty to ſit there, whatever Employment he held, or whatever Summons he had to attend in any other Station.

IN the Commons Journal 8 & 9 *Eliz.* [*Octob.* 1, 1566.] "RICHARD ONSLOW *Sollicitor General* to "the Queen, being choſen a Member for the Borough "of ——, in the County of *Suſſex*, the Houſe was "moved, that they would uſe ſome Means to have "him reſtored to them (he having till that Time "attended in the Houſe of Lords) to join with them "in the Election of a *Speaker*."

THIS was not a new Parliament, but the *ſecond* Seſſion of *Queen Elizabeth's ſecond* Parliament, which having ſate about eleven Weeks in 1562, was not aſſembled again till very near *four Years* afterwards. In this long Prorogation the Speaker died, and the Lords were poſſeſſed of the Sollicitor General as their Aſſiſtant, by the Duty of his Office, in Obedience to the Queen's Writ; but the Commons would not allow that Office to vacate his Seat in their Houſe, nor would they chooſe their Speaker till their Member was reſtored.

THE Journal proceeds, "Notice being given to "the Lords, upon Conſultation had amongſt them, "Mr. *Onſlow* was ſent down with the Queen's *Serjeant "at Law*, Mr. *Garus*, and Mr. *Attorney General*, to "ſhew for himſelf, *why he ſhould not be a Member of "this Houſe*, who alledging many weighty Reaſons, "*as well for the* Office *of Sollicitor* as for his *Writ of "Attendance in the other Houſe*, was nevertheleſs *adjudged to be a* Member *of this Houſe*; and thereupon the "Houſe proceeding to the Election of their Speaker, "Mr. *Comptroller* nominated Mr. *Onſlow* to be Speaker, "who humbly diſabled himſelf, as well for Non-"ability of Subſtance meet for that Place, as alſo "for the *Oath made to the Queen's Majeſty*, and required "them to proceed to a new Election; upon whoſe "Arguments the Houſe divided, and the Number to "have him Speaker was *Eighty Two*, and the contrary "*Sixty*; and immediately Mr. Comptroller [Sir *Edward "Rogers*] and Mr. Vice Chamberlain [Sir *Francis "Knolly*s] brought him from his Place to the Chair, "and there ſet him down."

THIS Paſſage is full in the Point before us, and is the JUDGMENT OF THE HOUSE OF COMMONS *in the Reign of Queen Elizabeth*, that an Office under the Crown could work no Incapacity by the Law of the Land, or by the Law and Uſage of Parliaments.

AGAIN in the 23d Year of Queen *Elizabeth*, the *Commons Journal*, *January* 18, 1580, ſays, that "Mr. *Treaſurer* declared unto the Houſe, that he and "others had juſt now ſeen in the other Houſe, one "that is a Member of this Houſe, to wit, Mr. *John "Popham*, her Majeſty's *Sollicitor General*, being one "of the *Citizens for Briſtol*; and therefore he moved, "that a Meſſage might be ſent to the Lords, with "requeſt that Mr. *Popham* might be forthwith remanded and reſtored. Upon this Meſſage, it was com-"plied with, and the *Sollicitor General* was ſent down "between the Queen's *Serjeant Anderſon*, and Sir *Gilbert "Gerrard*, Attorney General; and was choſen "*Speaker*."

IT was doubtful, whether the Lord *Chief Baron Bell*, the former *Speaker*, who died in the Interval of Seſſion, had he been living at the Time of this Meeting of Parliament, could have been diſcharged of the *Chair* by accepting of that Employment.

IN the 35th Year of this Reign, the Uſage of Parliament was ſo well underſtood, that COKE, then *Sollicitor General*, did not obey the Writ of Attendance on the Lords; but being elected *Knight of the Shire* for *Norfolk*, attended in his Place in the Houſe of Commons, and was, ſays the Journal, *with one full Conſent and Voice of the whole Houſe, choſen to be their* Speaker.

IT is therefore apparent, that the making the Diſcharge of any other Truſt inconſiſtent with the Diſcharge of the Truſt repoſed in a Member of the Houſe of Commons, is a *Novelty* in our Conſtitution, and a *Modern Abridgment* of the natural and *ancient Rights* of the People, who had Liberty to chooſe ſuch Repreſentatives as were moſt able to ſerve them; and have in all Ages conſider'd ſuch Men to be the moſt able, as enjoy'd Publick Offices or exerciſed Publick Authority, the Influence of which undoubtedly gives Weight to every individual Member poſſeſſed of ſuch Office or Authority; and where many ſuch Members are returned, the Aggregate Power of the Employments which they poſſeſs in the State, muſt give an additional Weight, even to the whole Houſe wherein they are admitted.

IT was a Propoſition, which the Wiſdom of our Fathers would have rejected as monſtrous and moſt abſurd, that thoſe whom the People in their ſeveral Counties had choſen to repreſent them in Parliament, ſhould be *the* only *Men in England* incapable of ſerving the Publick in Office; or that Gentlemen, whoſe great Fortunes and Weight in their Countries, muſt recommend them above others to Offices of Truſt and Power, ſhould be the *only Men in England* incapable of Sitting in the Houſe of Commons.

ON the other Hand, it was a Security to the whole People of *England*, that when they elected Members to repreſent them in Parliament, they thereby made Choice of competent Perſons for all the Offices of the Government, and might better depend on the right Aminiſtration of Power, by having it in their own Breaſts, to determine who ſhould be truſted with Power.

THIS being the Nature of our Conſtitution, and the declared Senſe of Parliaments in former Ages, it will ſcarcely be any Advantage to the contrary Doctrine that it was never broached till within theſe Hundred Years paſt; that in the *firſt Inſtance* of it, the Deſign and the Effect of it was to deſtroy the Rights of Parliament, the Perſon of the King, and the Liberties of the People; and that in the ſubſequent Attempts of this Kind, the Deſign was equally notorious to load the Settlement of the *Proteſtant Succeſſion*, to make the Deſcent of the Crown on the *Houſe of Hanover* precarious, and the Government impracticable, when that illuſtrious Family ſhould ſucceed to theſe Kingdoms.

WHEN this hath been ſhewn, it will naturally introduce an Argument of another Nature, which muſt ſatisfy every *Engliſhman* on this Subject, ſince it will appear not only that theſe *Self-denying Ordinances* were always intended to *new model the Government*; but that they are at this Time as *needleſs* as they are *dangerous*, by reaſon that all the juſt and warrantable Ends which could be attained by them, are already provided for by the Laws in Being.

FRA. WALSINGHAM.

Yeſterday arrived a Mail from France.

Paris July 23.

LETTERS of the 1ſt Inſtant from Cadiz ſay, that Orders are come thither from Court, to haſten the Armament of the 26 Men of War fitting out in that Harbour.

Letters of the 10th Inſtant from the Army in Italy ſay, that Part of the Spaniſh Troops were ſtill employed in the Siege of Mirandola; that the reſt of the Army of the Allies lay quiet in their Quarters; and that the King of Sardinia is returned to Marmirolo, to hold a Conference with the Marſhal de Noailles, who was alſo returned thither from Caſtiglione de Stivere. It was reported there, that if the Troops under the Command of the Count de Konigſegg march towards the Frontiers of Bavaria, the Allies will alſo ſend a great Body of Troops thither.

They write from Strasburg, that the French Army lies very quiet also in their Quarters along the Rhine.

Last Monday the Dauphin, together with the young Princesses of France, took the Air for the first Time at the Queen's Ring, and returned in the Evening to the Castle of Meudon.

The Count de Rottemburg was married on the 18th at Night to Mademoiselle de Parabere.

The India Company expects the Arrival of their Ships this Month from Ponticheri, Mocha, and Bengall, besides the Triton from China, after which they will publish a List of their Cargoes, and fix a Day for their Sale.

Father Menard, Superior General of the Congregation of St. Maur, died on the 13th Instant, at the Abbey of St. German de Prez, aged 72.

The Count de Montijo went last Monday to Versailles, where he had an Audience of the King and Queen; after which he dined with the Cardinal de Fleury; and he has since been at the Castle of Meudon, where he had an Audience of the Dauphin and the young Princesses of France.

The Count de Maurepas, who was pretty well recovered, but had a Relapse, is now so well again, as to be thought out of Danger.

Monday next the King will begin his Journey for Petitbourg, to hunt the Stag in the neighbouring Forest.

By an Arret of the Council of State dated the 17th, his Majesty orders a Paper to be suppressed, which is intitled, *A Letter from the Bishop and Duke de Laon to the General Assembly of the Clergy.*

Warsaw, July 2. Yesterday Morning the Suffragan of Cracow was sent to the Primate, with the Orders for the Russian Guard to withdraw, and leave him intirely at his Liberty; and he is expected here in a few Days. The Bishop of Cracow intends to go and meet him at Blony, four Miles from hence; as also the Castellan of Cracow, the Palatine of Kiow, the Grand Marshal, and several others of his Friends. The Bishop of Cujavia is at present with him, and waits to accompany him hither. The Dyet is fixed for the 27th of September, and the Dietines are to be held the 16th of August; but the Universals are not yet issued out. The Deputies of Podolia, Kalish, and Caminiec have had publick Audience of King Augustus, to make their Submission and Acknowledgments.

Hanover, July 20. On Monday last the 18th Inst. the Baron de Ridesell, Burgrave of Friedberg, and Privy Counsellor to the Landgrave of Hesse-Darmstadt, having been introduced to an Audience of the King, complimented his Majesty upon his happy Arrival in this Country, on the Part of the Landgrave his Master.

Berlin, July 20. King Stanislaus having heard that the Primate of Poland has abandon'd him, is upon his Departure from Koningsberg to return into France. The King of Prussia insists upon Satisfaction for the Violence offered to the Ships going in and out of that Port, and Preparations for War are carrying on here with the utmost Vigour. His Prussian Majesty, who has not granted Leave to the Prince Royal to make the Campaign on the Rhine, finished the late Review of his Troops, with that of the Prince Royal's Regiment, which is reckon'd one of the finest in Germany: And upon this Occasion, his Majesty's fourth Son Prince Ferdinand-Augustus, who was but five Years old the 12th of May last, appeared in his Regimentals amongst the private Men, with a little Musket on his Shoulder, and went through the Exercise in a manner so Surprizing, and so much to the King's Satisfaction, that he immediately advanced him to the Rank of an Officer. They write from Stockholm, that the King of Sweden is fitting out several Frigates there, to make Reprisals upon the Muscovites, in case the Czarina does not immediately restore the Swedish Ship and Cargo taken by her Men of War.

Hague, July 22. The States General have appointed a Minister to proceed forthwith to the Court at Munich, to assist the Negotiations of a Minister, who we hear is now there on the Part of his Britannick Majesty, using his good Offices with the Elector of Bavaria to reconcile him to the Emperor. Mean time their High Mightinesses have sent to the several Provinces, Mr. Walpole's Memorial, accompanied with a Letter from the said Minister, importing, that the Necessity of putting the Republick in a good State of Defence is indispensible.

Letters of the 20th from Cleves say, that the King of Prussia is relapsed, and that his Physicians advise him to go to Aix la Chapelle for his Recovery. Some will have it, that the Prince Royal is setting out, with his Father's Leave, for the Rhine, and that the Prince of Anhalt-Dessau goes with the King to Stettin. The Powder Magazine at Guelder was blown up by Lightning on the 18th Instant, whereby many of the Inhabitants were killed, and several Houses consumed. Letters of the 15th from the Rhine say, that the French General, Marshal Coigny, has reinforced the Garison of Landau with 1500 Men, and sent thither 100 Waggons of Ammunition and Provisions. They add, that 30 or 40 French desert every Day from their Army.

LONDON.

Yesterday a Special Messenger was sent down to Salisbury, with a Habeas Corpus to the Gaoler there, to carry Henry Rogers from thence to Launceston, in order to be tried at the Assizes, for opposing the Under Sheriff in the Execution of his Office, and shooting two of his Assistants, and likewise for murdering two other Persons since, who were endeavouring to apprehend him. He is to be guarded by Parties of Soldiers from thence to Launceston.

Last Tuesday her Grace the Dutchess of Chandois was taken ill of an Apoplectick Fit, and continues dangerously Ill at the Duke's Seat at Cannons.

Yesterday the Right Hon. the Lord High Chancellor gave his Opinion in the Cause between the Right Hon. the Lord Abergavenny and Maurice Conyers, Esq; relating to Tunbridge Wells, and his Lordship was pleased to order the Bill to be dismissed without Cost.

Last Tuesday Night about 10 o'Clock Mr. Todd, going from his Lodgings in Piccadilly to Sackvill-street, was knock'd down between the Duke of Marlborough's Wall and the End of Sackvill-street, by three Foot-Pads, who robbed him of his Money and Hat, and made off.

On Monday next a great Match is to be run from Hyde Park Corner to Windsor, between Mr. Johnson's Bay Horse, Smiling Dick, and Mr. Green's Black Gelding, White-foot, for 100 Guineas a Side. Pay or Play.

Yesterday Morning a Messenger was dispatched from his Grace the Duke of Newcastle's Office at Whitehall, with an Express for Sir John Norris at Portugal.

Last Week died, aged 87, at his House at Clapham in Surry, Joseph Paice, Esq; one of his Majesty's Justices of the Peace, and one of the Commissioners of the Turnpike of Fullham Bridge.

Yesterday Morning the Lady of the Hon. William Talbot, Esq; Member of Parliament for Glamorganshire, and eldest Son of the Right Hon. the Lord High Chancellor, was safely delivered of a Daughter, at his Father's House in Lincoln's-Inn Fields.

The same Day Gyles Earl, Esq; Member of Parliament for Malmesbury in Wilts, and one of the Commissioners of his Majesty's Revenue in Ireland, set out from his House in Porter-street, near Leicester-fields, for that Kingdom, in order to relieve Edward Thompson, Esq; who has been there for most part these four Years past.

Yesterday the Hon. John Waldegrave, Esq; second Son to the Right Hon. James Earl of Waldegrave, kiss'd her Majesty's Hand at Kensington, on his being presented to a Pair of Colours in the First Regiment of Foot Guards, in the Room of Ensign Wills, deceased.

Last Week the Rev. Mr. Gough, M. A. was Inducted into the Rectory of East Tilbury in Essex, a Living worth 200l. per Annum, to which he was lately presented by the Right Hon. the Lord High Chancellor.

Last Monday two Men came to Mr. Nelson's, a Grocer in Maddox-street near Hanover Square, pretending to bargain for Lodgings, and having agreed to give him 15 Shillings a Week for his first Floor, they prevailed on him to exchange a Five Pound Piece of Gold, that they might have Silver to give him Earnest; but desired him by all Means not to part with the Piece of Gold, because they would fetch it again next Morning, and in the mean time advised him to seal it up in a Bag; which being done, one of them found Means to change the Bag, and delivered to Mr. Nelson a Bag of the same Sort, with a Piece of Lead sealed up in the same Manner as the other, and went off with their Booty undiscovered.

The same Day Mr. Jackson's Bay Horse ran from Hammersmith to Windson, against Mr. Tibb's Grey Horse for 100 Guineas a Side, which was won by the former.

The Right Hon. the Earl of Leicester, Constable of the Tower of London, who has been dangerously Ill for some Time at the Bath, is in a fair Way of Recovery.

Northampton, July 14. At the Assizes for this County, which begin To-Morrow, the following Persons are to be tried for the several Crimes under-mentioned, viz. Frances Goodman, for stealing Goods to the Value of 5s. from William Hart of Earls-Barton; Elizabeth Wilkinson, for picking the Pocket of one William Hicks of 1l. 17s. 10d. Robert Hittam, for defrauding Richard Slatter of two Black Filleys; Elizabeth Ward, for defrauding Susannah Collins of 2l. 1[illegible]; Thomas Winpress, found guilty on the Coroner's Inquest of Manslaughter; Elizabeth Fawson, for poisoning her Husband; and William Clarke, for the Murder of Henry Wright of Grendon.

Yesterday Bank Stock was 138. India 150. South Sea 82 5-8ths. Old Annuity 106 1-half. New ditto 107 to 1-8th. Three per Cent. Annuity 94 1-4th. Royal-Assurance 97. London-Assurance 1[illegible] 1-8th. African 15. India Bonds 41. 14s. to 1[illegible] Premium. Three per Cent. ditto 21, 10s. Premium. S. Sea Bonds 21. 18s. Premium. Bank Circulate 81. Premium. Salt Tallies 31. Premium. Engl. Copper 21. 2s. Premium. Welsh ditto, Books [illegible] Three 1-half per Cent. Exchequer Orders 1l. 10 per Cent. Discount.

Excise-Office, London, July 11, 17[illegible]

BY Order of the Honourable Commissioners of Excise on Wednesday the 23d Instant, will be exposed to Sale (in their Court Room in the Old Jury, at 3 o'Clock in the Afternoon) several Parcels of condemn'd Bohea Tea, Green Tea, Coffee Raw and Roasted, Chocolate, Brandy, Rum, Geneva, Cordial Waters, Soap, and Starch; which may be viewed the 21st and 22d Instant, at the Excise Office, and at the Warehouses near the Custom-House, from 9 to 12 in the Morning, and from 2 to 5 in the Afternoon; and on the Day of Sale from 9 to 12 in the Forenoon.

Printed Allotments of the Particulars will be delivered at the said Office on Friday the 18th Instant.

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